

Attorney's Docket No.: 16601-021US1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Samuel Weiss  
 Serial No. : 10/523,253  
 Filed : January 26, 2005  
 Title : OLIGODENDROCYTE PRODUCTION FROM MULTIPOTENT NEURAL  
 STEM CELL

Art Unit : 2655  
 Examiner : Unknown

Mail Stop 16  
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 P.O. Box 1450  
 Alexandria, VA 22313-1450

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 AUG 24 2005

REQUEST FOR REFUND

On January 26, 2005, Applicant paid the required fees for the filing of the above-referenced application under 35 U.S.C. 371 and 37 C.F.R. 1.495 by way of an enclosed check in the amount of \$1,000. The fee amount was calculated as follows:

Basic national fee	\$300
Examination fee	\$200
Search fee	\$500 (Applicant error--should be \$400 pursuant to 37 C.F.R. 1.492(b)(2))
Claims in excess of 20	\$1000
Total due (small entity -- reduced by 1/2)	\$1000

On July 31, 2005, a fee in the amount of \$1000 was charged to Fish & Richardson's Deposit Account No. 06-1050. On the same day, a refund in the amount of \$100 was credited to Fish & Richardson's Deposit Account No. 06-1050, making the total fee paid by Applicant \$1900. The PTO apparently calculated the extra fee using large entity fees as follows:

Basic national fee	\$300
Examination fee	\$200
Search fee	\$400 (correct fee)
Claims in excess of 20	\$1000
Total due	\$1900

## CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

Adjustment date: 11/09/2005 RWHITE1  
 02/10/2005 GFREY1 00000024 10523253  
 01 Aug 24, 2005  
 Date of Transmission 03 FC:1633 300.00 00  
 Signature *Melissa Alexander* 11/09/2005 RWHITE1 00000015 10523253 100.00 00

Typed or Printed Name of Person Signing Certificate  
 Melissa Alexander

Applicant : Samuel Weiss  
Serial No. : 10/523,253  
Filed : January 26, 2005  
Page : 2 of 2

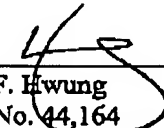
Attorney's Docket No.: 16601-021US1

This application is entitled to small entity status, so the total fee should be \$950. Attached is a copy of the Transmittal Letter retrieved from PAIR for this application, which indicates that small entity status was properly claimed at the time of filing.

In summary, the correct total due on this application is \$950. Applicant overpaid in the amount of \$50. The PTO then incorrectly charged \$900 to Deposit Account No. 06-1050. In accordance with 37 C.F.R. §1.26(a), Applicant respectfully requests that the overcharged amount of \$950 be refunded to Fish & Richardson's Deposit Account No. 06-1050.

Respectfully submitted,

Date: Aug. 24, 2005

  
\_\_\_\_\_  
Ping F. Hwung  
Reg. No. 44,164

Fish & Richardson P.C.  
500 Arguello Street, Suite 500  
Redwood City, California 94063  
Telephone: (650) 839-5070  
Facsimile: (650) 839-5071

50292120.doc

Repln. Ref: 11/09/2005 RWHITE1 0013402300  
DAH:061050 Name/Number:10523253  
FC: 9204 \$250.00 CR

FISH &amp; RICHARDSON P.C.

DT02 Rec'd PCT/PTO 26 JAN 2005

SUBSTITUTE FORM PCT/PTO 1390

<b>§ TRANSMITTAL LETTER TO THE UNITED STATES</b> <b>DESIGNATED/ELECTED OFFICE (DO/EO/US)</b> <b>CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER 16601-021US1 U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) unassigned <b>10/523253</b>
INTERNATIONAL APPLICATION NO. PCT/CA2003/001151	INTERNATIONAL FILING DATE 30 July 2003	PRIORITY DATE CLAIMED 30 July 2002
TITLE OF INVENTION OLIGODENDROCYTE PRODUCTION FROM MULTIPOTENT NEURAL STEM CELL		
APPLICANT(S) FOR DO/EO/US Samuel Weiss		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. § 371.
- ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. § 371.
- ☒ This is an express request to begin national examination procedures (35 U.S.C. § 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
- ☐ The US has been elected (Article 31).
- ☒ A copy of the International Application as filed (35 U.S.C. § 371(c)(2))
  - ☒ is attached hereto (required only if not communicated by the International Bureau).
  - ☒ has been communicated by the International Bureau.
  - ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☐ An English language translation of the International Application as filed (35 U.S.C. § 371(c)(2)).
  - ☐ is attached hereto.
  - ☐ has been previously submitted under 35 U.S.C. § 154(d)(4).
- ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. § 371(c)(3))
  - ☐ are attached hereto (required only if not communicated by the International Bureau).
  - ☐ have been communicated by the International Bureau.
  - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - ☒ have not been made and will not be made.
- ☐ An English language translation of amendments to the claims under PCT Article 19 (35 U.S.C. § 371(c)(3)).
- ☒ An oath or declaration of the inventor(s) (35 U.S.C. § 371(c)(4)).
- ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. § 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

- ☒ An Information Disclosure Statement under 37 C.F.R. § 1.97 and 1.98.
- ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. § 3.28 and 3.31 is included.
- ☒ A preliminary amendment.
- ☒ An Application Data Sheet under 37 C.F.R. § 1.76.
- ☐ A substitute specification.
- ☐ A power of attorney and/or change of address letter.
- ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. § 1.821 - 1.825.
- ☐ A second copy of the published international application under 35 U.S.C. § 154(d)(4).
- ☐ A second copy of the English language translation of the international application under 35 U.S.C. § 154(d)(4).
- ☒ Other items or information:  
Return postcard

 CERTIFICATE OF MAILING BY EXPRESS MAIL  
 Express Mail Label No. EV 321 390 154 US  
 Date of Deposit 26 JAN 2005 RUWTF126 January 2005

01 FC:2615

500.00 DA

10523253

FISH &amp; RICHARDSON P.C.

SUBSTITUTE FORM PTO-1390

U.S. APPLICATION NO. 11/09/2005 11:26 FAX 6508395071  
 INTERNATIONAL APPLICATION NO. PCT/CA2003/001151  
 ATTORNEY'S DOCKET NUMBER 16601-021US1

21. The following fees are submitted:

☒ a) Basic national fee.....\$300

☒ b) Examination fee.....\$200

☒ c) Search fee.....\$500

TOTAL OF ABOVE CALCULATIONS = \$1000.00

☐ Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE
-100 =	/50 =		X \$250

Surcharge of \$130 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total Claims	40 - 20 =	20	x \$50
Independent Claims	2 - 3 =	0	x \$200
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360

TOTAL OF ABOVE CALCULATIONS = \$2000.00

☒ Applicant claims small entity status. See 37 C.F.R. 1.27. The fees indicated above are reduced by 1/2.

SUBTOTAL = \$1000.00

Processing fee of \$130 for furnishing the English Translation later than 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).

TOTAL NATIONAL FEE = \$1,000.00

Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property.

TOTAL FEES ENCLOSED = \$1,000.00

07/25/2005 11:26 FAX 6508395071  
 Sale Ref: 00000004 DAH: 041050  
 01 FC:1615 1000.00 rounded: \$1,000.00

Amount to be charged: \$

a. ☒ A check in the amount of \$1,000.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 06-1050 in the amount of \$0.00 to cover the above fees. A duplicate copy of this sheet is enclosed.


c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1050. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 C.F.R. 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

PTO Customer No: 261S1

SIGNATURE 

NAME Ping F. Hwang

Adjustment date: 11/09/2005 RWHT11  
 07/25/2005 WALVARAD 0019163100  
 00000003 10523253

REGISTRATION NUMBER: 10523253

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Attorney's Docket No.: 16601-021US1

**OFFICIAL COMMUNICATION FACSIMILE:** 2005 AUG 26 PM 4:55

**OFFICIAL FAX NO: (571) 273-8300**

Number of pages including this page 5

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Art Unit : 2655

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P.O. Box 1450  
Alexandria, VA 22313-1450

Attached to this facsimile communication cover sheet is a Request for Refund, faxed this  
24<sup>th</sup> day of August, 2005, to the United States Patent and Trademark Office.

Respectfully submitted,

Date: August 24, 2005

  
\_\_\_\_\_  
Ping F. Hwung  
Reg. No. 44,164

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50295703.doc

Repln. Ref: 11/09/2005 RWHITE1 0013451500  
DAH:061050 Name/Number:10523253  
FC: 9204 \$200.00 CR

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(650) 839-5070 to arrange for its return. Thank you.